

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JUNE 18, 2013

Be it remembered that the regular meeting of the Tupelo City Council was held in Council Chambers at the City Hall Building on Tuesday, June 18, 2013, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, R. Fred Pitts, Jim Newell, Nettie Y. Davis, Johnny Davis and Willie Jennings; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council. Councilman Mike Bryan was absent.

The invocation was led by Rev. Gloria McKinney, Pastor of St. Paul United Methodist Church, followed by the Pledge of Allegiance led by Boy Scouts of Troop 12.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Pitts called the City Council meeting to order at 6:00 p.m.

IN THE MATTER OF CONFIRMATION OR
AMENDMENT OF AGENDA AND AGENDA ORDER

Upon a motion by Councilwoman N. Davis, seconded by Councilman Newell, the council voted unanimously of those present to confirm the agenda and agenda order, amended as follows:

ADD:	#6.7.A	Review/Approve Resolution Approving Employment of Professionals in Connection with Issuance of GO Bonds
ADD:	#7.4.A	Review/Approve Appointment to Tupelo Major Thoroughfare Program Committee
ADD:	#7.25	Review/Approve Purchase of Items for Parkhill Neighborhood Association
ADD:		Executive Session

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

Two Boy Scouts from Troop 12 sponsored by the First United Methodist Church were present and had participated earlier in the Pledge of Allegiance. Duke Loden, Merit Badge Counselor, was present as well. These scouts are working toward their Communications Merit Badge and Citizenship in the Community Merit Badge.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No city employees were present to be recognized.

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IN THE MATTER OF PUBLIC RECOGNITIONS

Councilwoman N. Davis, Vice-President of the City Council, presented trophies to outgoing Mayor Jack Reed, Jr., President of Council R. Fred Pitts, and Councilman Jonny Davis, who has represented Ward 5 for the past four years. A musical presentation followed with a song by Rev. Gloria McKinney accompanied on the saxophone by Mr. Cunningham.

Councilman Willie Jennings recognized Councilman Jonny Davis as a good colleague during the past term, and he felt more would be seen of him in the future as he continued being involved in city affairs. He said it had been a pleasure serving with Councilman Davis for the past four years. He next addressed President Fred Pitts who has served the City Council for the entire four-year term. Councilman Jennings said he had formed a good relationship with Councilman Pitts and he had a lot of respect for him and that he would be missed. Next he recognized Mayor Jack Reed and said it had been a pleasure to work with him, also. He said he thought the city had accomplished a lot of projects during the term that will put the city in the mode for future growth. Councilman Jennings stated Mayor Reed had done much for the citizens of Tupelo, and he appreciated his leadership as Mayor for the past four years.

Mayor Reed next presented keys to the City of Tupelo to the Lane Chapel Quintet who have been performing for years in the city and throughout the entire area. He said they had been great ambassadors for Tupelo wherever they performed and represented the city in a very fine way.

IN THE MATTER OF MAYOR'S REPORT

Mayor Reed's report consisted simply as he said a "litany" of thanks...to his fellow employees; the City Council; and to fellow citizens of Tupelo for the many, many good things that have been accomplished during the past four years. He invited everyone to come out Thursday night for a "Thank You Tupelo" party being held at Fairpark. He then addressed each city department, our "City of Tupelo Team", and thanked them for their contributions to the work done during this term. Departments recognized included the Tupelo Police Department, Tupelo Fire Department, Municipal Court, the Finance Department, the Tupelo Parks and Recreation Department, the Public Works Department, the Tupelo Development and Planning Department, the Tupelo Water and Light Department, the Tupelo Regional Airport, the Tupelo Coliseum, and the Tupelo Convention and Visitors Bureau. He said the Tupelo Redevelopment Agency continues to work hard at maintaining and developing Fairpark, the city's Front Porch, and said he was optimistic about recent developments. Under the leadership of Debbie Brangenberg,

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the Downtown Main Street organization continues to provide a first-class downtown experience that many Mississippi towns are so jealous of. The recent Elvis Presley Music Festival was the most successful one yet. The Human Resources Department has increased its value to the city by being an integral part of every hiring decision and treating every applicant with respect and courtesy. He continued by saying the administrative team had done a marvelous job of greeting and answering thousands of citizens' questions, complaints and compliments every day. He complimented Anna Wyatt for doing such a terrific job in communicating the many, many good things our city does to the news media and to the public. He, also, praised Sally Williams for being the best "right hand" anyone could have had. She was his first promotion to Executive Assistant and he stated he could not have picked a better person to make a first impression of the Mayor. He then thanked the City Council Members who have served with him for this term. From the beginning, the goal was to bring back civility and mutual respect, and this Council has conducted the business of the city very seriously and thoughtfully. He publicly thanked each of them and particularly Councilman Pitts and Councilman Davis who will not be returning for the next term. Next he congratulated Mayor-elect Jason Shelton and said he was optimistic about his ability to lead this great city. On a personal note, Mayor Reed thanked his wife Lisa for her sacrifices during the last four years he has served. Also, he mentioned her own contributions as the leader of the Education Task Force, the Wildflower Project, and her encouragement to him. He said she had been a splendid First Lady. Finally, he thanked the citizens for the many hours of volunteer service many have rendered and their enthusiasm at no pay just to give back to the community. He said a group two years ago had gone to Kansas City and brought back with them the 4th All America City Award, based on transformation of elder care with the Green Houses at Traceway Retirement Center; the enlistment of an army of citizens through the Mayor's Task Force teams and the transformation of an old fairgrounds into a lively, beautiful public space which we now call "Tupelo's Front Porch". Mayor Reed ended his address by stating he was returning to his role as a private citizen but pledged to continue involvement anywhere he could to help the city be at its best for many years to come. This will take everyone but with all of us, we can succeed.

(President Pitts then closed the regular meeting and opened the Public Agenda.)

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A DEMOLITION OF PROPERTIES

No one appeared.

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5.1.B LOT MOWING OF PROPERTIES

No one appeared.

(President Pitts then closed the Public Agenda and the City Council returned to regular session.)

6. ACTION AGENDA

IN THE MATTER OF REVIEW/APPROVE CITY OF TUPELO DEVELOPMENT CODE

Councilman J. Davis moved to approve the City of Tupelo Development Code, and the motion was seconded by Councilman Jennings. A discussion followed. Councilman Newell moved to suspend the rules to allow an individual in the audience to address the Council. The motion was seconded by Councilwoman N. Davis and unanimously approved by those present.

Mike McFalls, Vice-President and General Manager, for Lamar Advertising of North Mississippi, came forward to speak on the issue. He said his company had always enjoyed a friendly working relationship with Tupelo for many years. However, he said that the new Development Code will all but eliminate billboard advertising in the city. He said his company would always be willing to work out problems, and he had met with the staff of the Development Services Department to voice his concerns.

Pat Falkner, Senior Planner, came forward to respond to Mr. McFalls' remarks. He said that the staff, Planning Committee and various citizens' groups have been working on this Development Code for approximately three years. Mr. Falkner said that Lamar representatives had come in just this morning to discuss the issue with the Development Services Department. Mr. Falkner said his staff agreed to work on their concerns, but he did not believe the new code will be an inconvenience to their company. Mr. Falkner stated he did not feel the adoption of the code should be put aside based on one company's concerns but rather a delay on approval would affect other businesses who have expressed interest in the new code.

Councilman Newell moved to table the matter, and the motion was seconded by Councilwoman N. Davis. However, the motion to table failed by the following vote:

VOTING AYE:	Whittington, Newell, N. Davis
VOTING NAY:	Pitts, J. Davis, Jennings
ABSENT:	Bryan

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Vote was then taken on the original motion to approve the City of Tupelo Development Code, which vote was as follows:

VOTING AYE:	Pitts, J. Davis, Jennings
VOTING NAY:	Whittington, Newell, N. Davis
ABSENT:	Bryan

Motion to approve failed.

IN THE MATTER OF REVIEW/APPROVE AGREEMENT BETWEEN CITY OF TUPELO, MISSISSIPPI, AND THE COMMUNITY DEVELOPMENT FOUNDATION TO PROMOTE ECONOMIC DEVELOPMENT

This item had been tabled at the June 4, 2013; therefore, Councilman Whittington moved to take the matter off the table for consideration. The motion was seconded by Councilman J. Davis and unanimously passed by those present.

Upon a motion by Councilman Whittington, seconded by Councilman J. Davis, the council voted unanimously of those present to approve an Agreement Between the City of Tupelo, Mississippi and the Community Development Foundation to Promote Economic Development. The City of Tupelo and the Community Development Foundation recognize the propriety of establishing a joint effort among and between the public sector, the economic development sector and the private sector to collaboratively undertake economic development projects within the City to revitalize designated areas. The Community Development Foundation (CDF) is a membership organization organized and operated to coordinate such local projects. In order to meet the goals of this Agreement, the parties agree that CDF will utilize the services of the Neighborhood Development Corporation (NDC), which is a not-for-profit, tax exempt 501(c)(3) organization, having been formed to promote public welfare through economic development projects. An executed copy of this Agreement, setting forth other terms and conditions, including the funding mechanism under which the parties will operate, is attached hereto and made a part of these minutes as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO HYPERION TECHNOLOGY GROUP, INC.

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously of those present to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to Hyperion Technology Group, Inc. That company is hereby granted exemption from ad valorem taxes, except State and School District ad valorem taxation, for a period of

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ten (10) years beginning on January 1, 2013, subject to approval and certification by the Mississippi State Tax Commission. An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX B.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO SUNBOO, LLC

Upon a motion by Councilwoman N. Davis, seconded by Councilman Whittington, the council voted unanimously of those present to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to Sunboo, LLC. That company is hereby granted tax exemption from ad valorem taxes, except State and School District ad valorem taxation, for a period of ten (10) years beginning January 1, 2013, subject to approval and certification by the Mississippi Tax Commission. Even though this application standing alone does not meet the City's criteria/policy for ad valorem tax exemption, when combined with the application for exemption filed by JA Harris, Inc.(see next minute entry), the terms of the City's policy are met. Sunboo, LLC, is a limited liability company of JA Harris, Inc., owning the real property which is the basis for the exemption request. An executed copy of the application by Sunboo, LLC is attached to these minutes and incorporated herein as **APPENDIX C.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION GRANTING AD VALOREM TAX EXEMPTION FROM AD VALOREM TAXES TO JA HARRIS, INC. D/B/A DORIC VAULTS OF NORTH MISSISSIPPI

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously of those present to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to JA Harris, Inc. d/b/a Doric Vaults of North Mississippi. That company is hereby granted tax exemption from ad valorem taxes, except State and School District ad valorem taxation, for a period of ten (10) years beginning January 1, 2013, subject to approval and certification by the Mississippi Tax Commission. As noted in the previous minute entry granting ad valorem tax exemption to Sunboo, LLC, this application standing alone does not meet the City's criteria/policy for ad valorem tax exemption. However, when combined with the application filed by Sunboo, LLC, the terms of the City's policy are met. An executed copy of the application by JA Harris, Inc. d/b/a Doric Vaults of North Mississippi is attached to these minutes and incorporated herein as **APPENDIX D.**

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IN THE MATTER OF REVIEW/APPROVE RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO LEGGETT & PLATT, INC.

Upon a motion by Councilman Newell, seconded by Councilman J. Davis, the council voted unanimously of those present to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to Leggett & Platt Components Company, Inc. This company is hereby granted tax exemption from ad valorem taxes, except State and School District ad valorem taxes, for a period of ten (10) years beginning January 1, 2013, subject to approval and certification by the Mississippi Tax Commission. An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION OF INTENT IN REGARD TO GENERAL OBLIGATION BOND ISSUE

Councilman J. Davis moved to approve the following Resolution:

RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI (THE "CITY"), TO ISSUE (A) A GENERAL OBLIGATION BOND, OF THE CITY, IN ONE OR MORE SERIES, FOR PURCHASE BY THE MISSISSIPPI DEVELOPMENT BANK, OR (B) GENERAL OBLIGATION BONDS, OF THE CITY, IN ONE OR MORE SERIES, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR (I) CONSTRUCTING, IMPROVING OR PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFOR; (II) ERECTING, REPAIRING, IMPROVING, ADORNING AND EQUIPPING MUNICIPAL BUILDINGS AND PURCHASING BUILDINGS OR LAND THEREFOR; (III) PURCHASING LAND FOR PARKS, CEMETERIES AND PUBLIC PLAYGROUNDS, AND IMPROVING, EQUIPPING AND ADORNING THE SAME, INCLUDING THE CONSTRUCTING, REPAIRING AND EQUIPPING OF SWIMMING POOLS AND OTHER RECREATIONAL FACILITIES, INCLUDING, BUT NOT ALL INCLUSIVE, IMPROVEMENTS TO GUMTREE PARK; (IV) PURCHASING FIRE-FIGHTING EQUIPMENT AND APPARATUS, AND PROVIDING HOUSING FOR SAME, AND PURCHASING LAND THEREFOR; (V) ERECTING OR PURCHASING WATERWORKS, GAS, ELECTRIC AND OTHER PUBLIC UTILITY PLANTS OR DISTRIBUTION SYSTEMS OR FRANCHISES, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; (VI) ESTABLISHING SANITARY, STORM, DRAINAGE OR SEWERAGE SYSTEMS, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; AND (VII) PURCHASING MACHINERY AND EQUIPMENT, INCLUDING MOTOR

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VEHICLES WEIGHING NOT LESS THAN TWELVE THOUSAND (12,000) POUNDS, WHICH HAVE AN EXPECTED USEFUL LIFE IN EXCESS OF TEN (10) YEARS WHICH

EXPECTED USEFUL LIFE SHALL EXCEED THE LIFE OF THE BONDS; AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION.

The motion was seconded by Councilman Whittington with vote on the matter being as follows:

VOTING AYE:	Whittington, Pitts, N. Davis, J. Davis, Jennings
VOTING NAY:	Newell
ABSENT:	Bryan

An executed copy of the Resolution is attached hereto and incorporated into these minutes as **APPENDIX F.**

**IN THE MATTER OF REVIEW/APPROVE RESOLUTION APPROVING
EMPLOYMENT OF PROFESSIONALS IN CONNECTION WITH ISSUANCE OF
GENERAL OBLIGATION BONDS**

Councilman Whittington offered a motion to approve the following Resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI (THE "CITY") APPROVING THE EMPLOYMENT OF PROFESSIONALS IN CONNECTION WITH THE ISSUANCE OF (A) A GENERAL OBLIGATION BOND, OF THE CITY, IN ONE OR MORE SERIES, FOR PURCHASE BY THE MISSISSIPPI DEVELOPMENT BANK, OR (B) GENERAL OBLIGATION BONDS, OF THE CITY, IN ONE OR MORE SERIES, BY THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR (I) CONSTRUCTING, IMPROVING OR PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFOR; (II) ERECTING, REPAIRING, IMPROVING, ADORNING AN EQUIPPING MUNICIPAL BUILDINGS AND PURCHASING BUILDINGS OR LAND THEREFOR; (III) PURCHASING LAND FOR PARKS, CEMETERIES AND PUBLIC PLAYGROUNDS, AND IMPROVING, EQUIPPING AND ADORNING THE SAME, INCLUDING THE CONSTRUCTING, REPAIRING AND EQUIPPING OF SWIMMING POOLS AND OTHER RECREATIONAL FACILITIES, INCLUDING, BUT NOT ALL INCLUSIVE, IMPROVEMENTS TO GUMTREE PARK; (IV) PURCHASING FIRE-FIGHTING EQUIPMENT AND APPARATUS, AND PROVIDING HOUSING FOR SAME, AND PURCHASING

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LAND THEREFOR; (V) ERECTING OR PURCHASING WATERWORKS, GAS, ELECTRIC AND OTHER PUBLIC UTILITY PLANTS OR DISTRIBUTION SYSTEMS OR FRANCHISES, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; (VI) ESTABLISHING SANITARY, STORM, DRAINAGE OR SEWERAGE SYSTEMS, AND

REPAIRING, IMPROVING AND EXTENDING THE SAME; AND (VII) PURCHASING MACHINERY AND EQUIPMENT, INCLUDING MOTOR VEHICLES WEIGHING NOT LESS THAN TWELVE THOUSAND (12,000) POUNDS, WHICH HAVE AN EXPECTED USEFUL LIFE IN EXCESS OF TEN (10) YEARS WHICH EXPECTED USEFUL LIFE SHALL EXCEED THE LIFE OF THE BONDS.

The motion was seconded by Councilwoman N. Davis with vote on the issue being as follows:

VOTING AYE:	Whittington, Pitts, N. Davis, J. Davis, Jennings
VOTING NAY:	Newell
ABSENT:	Bryan

An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX G.**

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR CITY COUNCIL MEETING

Upon a motion by Councilman J. Davis, seconded by Councilman Newell, the council voted unanimously of those present to approve the minutes of the regular City Council meeting of Tuesday, June 4, 2013.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously of those present to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, Pitts and Jennings:

Check Nos. 111661-112089 (Pool Cash Fund)
Electronic transfers as shown on the face of the docket.
Invoices as shown on the face of the docket.

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Requests made by AFLAC to reimburse employees under Flex-One
Plan as shown on the face of the docket.

IN THE MATTER OF REVIEW/APPROVE REQUEST FOR APPOINTMENT TO COLISEUM COMMISSION

Mayor Reed had recommended the appointment of Mr. Octavious Ivy to serve on the Coliseum Commission to replace Mr. Ricky Patterson. Upon a motion by Councilman Whittington, seconded by Councilwoman N. Davis, the council voted unanimously of those present to approve the appointment of Mr. Ivy to serve on this Commission. A copy of his bio is attached hereto as **APPENDIX H.**

IN THE MATTER OF REVIEW/APPROVE REQUEST FOR APPOINTMENT TO TUPELO PLANNING COMMITTEE

Mayor Reed had recommended the appointment of Mr. Orlando Ivy to serve as a member of the Tupelo Planning Committee, beginning June 2013 and ending June 2017. Upon a motion by Councilman Jennings, seconded by Councilman Newell, the council voted unanimously of those present to approve the appointment of Mr. Ivy to serve on the Tupelo Planning Committee. A copy of his bio is attached hereto as **APPENDIX I.**

IN THE MATTER OF REVIEW/APPROVE REQUEST FOR APPOINTMENT TO THE TUPELO CONVENTION & VISITORS BUREAU

Mayor Reed had recommended the appointment of Mrs. Jane Spain to serve on the Tupelo Convention & Visitors Bureau. Upon a motion by Councilman J. Davis and a second by Councilman Jennings, the council voted unanimously of those present to approve the appointment of Mrs. Spain to serve on this Board. A copy of her bio is attached to these minutes as **APPENDIX J.**

IN THE MATTER OF REVIEW/APPROVE REQUEST FOR APPOINTMENT TO THE TUPELO MAJOR THOROUGHFARE COMMITTEE

Mayor Reed had recommended the appointment of Mr. Gunner Goad to serve on the Tupelo Major Thoroughfare Program Committee. Upon a motion by Councilman Whittington and a second by Councilman Newell, the council voted unanimously of those present to approve the appointment of Mr. Goad to serve on this Committee. A copy of his bio is attached hereto as **APPENDIX K.**

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IN THE MATTER OF REVIEW/APPROVE RE-APPOINTMENT TO TUPELO HOUSING AUTHORITY

Mayor Reed had recommended the re-appointment of Mrs. Grace Clark to the Tupelo Housing Authority. Mrs. Clark's term will expire June 2013. Upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously of those present to

approve the re-appointment of Mrs. Clark to this Authority. A copy of her bio is attached hereto as **APPENDIX L.**

**IN THE MATTER OF REVIEW/APPROVE RE-APPOINTMENT TO TUPELO
CONVENTION & VISITORS BUREAU BOARD**

Mayor Reed had recommended the re-appointment of Mrs. Carolyn Moss to the Tupelo Convention & Visitors Bureau Board as the hotel representative. Her re-appointment will be from June 2013 through June 2015 (a two-year term). Upon a motion by Councilwoman N. Davis, seconded by Councilman Whittington, the council voted unanimously of those present to approve the re-appointment of Mrs. Moss to this Board. A copy of her bio is attached hereto as **APPENDIX M.**

**IN THE MATTER OF REVIEW/APPROVE RE-APPOINTMENT TO TUPELO
CONVENTION & VISITORS BUREAU BOARD**

Mayor Reed had recommended the re-appointment of Mr. Chauncey Godwin to the Tupelo Convention & Visitors Bureau Board as the restaurant representative. His re-appointment will be from June 2013 through June 2015 (a two-year term.) Upon a motion by Councilman Whittington, seconded by Councilman J. Davis, the council voted unanimously of those present to approve the re-appointment of Mr. Godwin to this Board. A copy of his bio is attached hereto as **APPENDIX N.**

**IN THE MATTER OF REVIEW/CONSIDER/APPROVE REQUEST FOR PROPOSAL
(RFP) FOR COLLECTION, DISPOSAL AND REMOVAL OF RESIDENTIAL SOLID
WASTE AND CURBSIDE RECYCLING**

The City of Tupelo, Mississippi, had sent out Request for Proposals from vendors to provide services related to the collection, disposal and removal of solid waste and recycling generated by the residential and governmental sectors within the City of Tupelo's corporate boundaries. Three (3) vendors responded to this Request for Proposals. After a thorough review of each proposal and a lengthy discussion, Councilman Whittington moved to accept the proposal of Waste Management to provide these services to the City of Tupelo. The motion was seconded by Councilman J. Davis and unanimously approved by a vote of those council members present. A copy of the

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three proposals received is attached to these minutes and incorporated herein as **APPENDIX O.** A contract with Waste Management will be negotiated at a later date and considered by the City Council.

**IN THE MATTER OF REVIEW/ACCEPT CITY OF TUPELO AUDIT FOR FY ENDING
SEPTEMBER 30, 2012**

Councilman Whittington moved to accept the City of Tupelo Audit for Fiscal Year ending September 30, 2012; the motion was seconded by Councilman Jennings and unanimously approved by a vote of the council members present. Greg Jarrell of the firm of Franks, Franks & Jarrell, P. A., who had prepared the audit, had earlier reviewed the report for the City Council at a work session and was, also, on hand tonight to answer any questions. According to Mr. Jarrell, this is an unqualified report with no current year reported deficiencies or material weaknesses in internal control and/or in the compliance system.

Mr. Jarrell complimented CFO Lynn Norris and City Clerk Kim Hanna, as well as all the department heads, for their diligence, cooperation and hard work which resulted in the unqualified report.

IN THE MATTER OF REVIEW/APPROVE FY BUDGET REVISION #6

Upon a motion by Councilman J. Davis, seconded by Councilman Newell, the council voted unanimously of those present to approve FY 2013 Budget Revision #6, a copy of same being attached to these minutes and incorporated herein as **APPENDIX P.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION OF AUTHORIZATION TO SUBMIT APPLICATION FOR 2013 JUSTICE ASSISTANCE GRANT AND A MEMORANDUM OF UNDERSTANDING RELATED THERETO

Terri Blissard, Grant Administrator, by memorandum dated June 12, 2013, had submitted a Justice Assistance Grant Resolution and Memorandum of Understanding to Mayor Reed and the Tupelo City Council. Upon a motion by Councilwoman N. Davis, seconded by Councilman Jennings, the council voted unanimously of those present to approve a Resolution of Authorization to Submit Application for 2013 Justice Assistance Grant and a Memorandum of Understanding related thereto.

According to Ms. Blissard's memorandum, the City of Tupelo will participate as a co-applicant with Lee County, Mississippi, in the submission of an application for a Justice Assistance Grant (JAG) in the amount of \$14,380. The grant requires no match

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and is offered by the Department of Justice's Bureau of Justice Assistance in order to provide law enforcement agencies with funds for programs and equipment. This year, the JAG allocation has been designated jointly to the City of Tupelo and Lee County. In order to receive funds, the two agencies must apply for the grant together in a single application and include a MOU confirming the division of funds and naming an administrative agency.

Tupelo Police Chief Carleton and Lee County Sheriff Jim Johnson have agreed to divide the money evenly, and the City of Tupelo will administer the grant. A copy of the Resolution,

along with the MOU executed by both entities, is attached hereto and made a part of these minutes as **APPENDIX Q.**

**IN THE MATTER OF REVIEW/APPROVE GOVERNOR'S PROCLAMATION TO
CLOSE ALL OFFICE OF STATE OF MISSISSIPPI ON FRIDAY, JULY 5, 2013, IN
FURTHER OBSERVANCE OF INDEPENDENCE DAY ON THURSDAY, JULY 4, 2013**

The Mayor's office had received a Proclamation by the Governor authorizing the closing of all offices of the state on Thursday, July 4, 2013, in observance of Independence Day and at the discretion of all state agencies, to close all State offices on Friday, July 5, 2013, in further observance of Independence Day. Upon a motion by Councilman Jennings and a second by Councilman Whittington, the council voted unanimously of those present to close all City offices on Friday, July 5, 2013, in further observance of this holiday.

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TUPELO MAJOR
THOROUGHFARE PROGRAM MEETING**

Upon a motion by Councilman J. Davis and a second by Councilman Whittington, the council voted unanimously of those present to accept the minutes of the Tupelo Major Thoroughfare Program meeting of June 10, 2013, a copy being attached to these minutes as **APPENDIX R.**

**IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR IDA STREET DRAINAGE
IMPROVEMENTS PROJECT**

Upon a motion by Councilman Jennings and a second by Councilwoman N. Davis, the council voted unanimously to award the bid for the Ida Street Drainage Improvements Project Encor Construction Company as the low bidder on this project at \$338,186.00. Eleven contractors responded to the request for bids, and the low bid of Encor was recommended by Sid Russell, Director of the Tupelo Public Works

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Department. After opening of bids, ESI Engineering Solutions, Inc. checked and tabulated the bids. A copy of the bid package is attached to these minutes and incorporated herein as **APPENDIX S.** A contract between the City and Encor, LLC, will be submitted at a later date for City Council consideration.

**IN THE MATTER OF ACCEPT/REJECT GRANT AWARD FROM MISSISSIPPI
DEPARTMENT OF TRANSPORTATION FOR 2013 SAFE ROUTES TO SCHOOL
DISTRICT**

Patrick Falkner, Senior Planner, had submitted notice dated June 6, 2013, to the Mayor and City Council that the City of Tupelo had been awarded a grant from the Mississippi

Department of Education for Safe Routes to School improvements at Lawhon and Thomas Street Schools. The amount awarded is up to \$206,000 with a required 20% match (\$51,009). Upon a motion by Councilwoman N. Davis, seconded by Councilman Jennings, the council voted unanimously of those present to approve the acceptance of this award from MDOT. A copy of the letter of notification of these funds from MDOT is attached to these minutes and incorporated herein as **APPENDIX T.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF HISTORIC PRESERVATION COMMISSION MEETING

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously of those present to accept the minutes of the Historic Preservation Commission meeting of May 9, 2013. A copy is attached to these minutes as **APPENDIX U.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE MEETING

Upon a motion by Councilman J. Davis, seconded by Councilman Whittington, the council voted unanimously of those present to accept the minutes of the Planning Committee meeting of June 3, 2013, a copy being attached to these minutes as **APPENDIX V.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTIONS OF ASSESSMENT LIENS FOR LOT MOWING CASES

Upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously of those present to approve a Resolution of Assessment Liens against the following listed properties. Hearings had been held previously before the City Council in which the properties were adjudicated to be a menace to public health and

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safety. The City of Tupelo has cleaned and mowed the properties and adjudicated costs and penalties according to law.

Properties against which these Resolutions of Assessment Liens are enrolled include: Russell Anderson; Antionetta Johnson; Richard & Ethel Johnson; Lee McCrary and Taquesha Lockeridge; Leona Hamby; Northeast Miss. Habitat for Humanity; Roberta and Bennie Moore; Soul Winning Concerts; Steve Mayhorn.

IN THE MATTER OF REVIEW/APPROVE DEMOLITION OF PROPERTIES

Councilman Newell moved to approve a certain property listing submitted by the Department of Development Services as being in such a state as to constitute a menace to public safety and to constitute a public hazard and nuisance to the welfare of the community, thereby

authorizing the department to proceed with demolition of said property. The motion was seconded by Councilman Whittington and unanimously approved by a vote of those present. A public hearing had been held earlier in the meeting with no one appearing to protest. The property in question is located at 1612 Forrest Street and is listed in the names of Stewart and Stephanie Maxcy.

IN THE MATTER OF REVIEW/APPROVE LISTING OF LOT MOWING OF PROPERTIES

Councilman Jennings moved to approve a listing of lot mowings submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace to public health, safety and welfare of the community, thereby authorizing the department to proceed with mowing of these properties. The motion was seconded by Councilman Whittington and unanimously passed by a vote of those present. A public hearing had been conducted earlier in the meeting with no one appearing to address the issue. A copy of the listing is attached to these minutes and incorporated herein as **APPENDIX W.**

IN THE MATTER OF REVIEW/APPROVE REQUEST FOR RETIRING POLICE OFFICER TO PURCHASE SERVICE WEAPON

Tupelo Police Chief Carlton had presented a letter from Captain Mark Miller of the Tupelo Police Department requesting that he be allowed to purchase his duty weapon for the sum of \$1.00. The weapon is a Glock 9mm pistol, Ser. #TCL275. Upon a motion by Councilman J. Davis and a second by Councilman Newell, the council voted unanimously of those present to grant this request and allow Officer Miller, who is retiring, to purchase his service weapon for the sum of \$1.00.

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IN THE MATTER OF REVIEW/APPROVE ESTIMATE/FEE PROPOSAL FOR ENGINEERING SERVICES RELATED TO DEVELOPMENT OF DOWNTOWN QUIET ZONES ALONG RAILROADS

This item was tabled at the May 21, 2013, city council meeting, and President Pitts requested that it remain on the table for further consideration.

IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS ITEMS FOR TUPELO WATER AND LIGHT DEPARTMENT

Upon a motion by Councilman Newell and a second by Councilman Whittington, the council voted unanimously of those present to approve a listing of items submitted by the Tupelo Water and Light Department to be declared surplus. A copy of the listing of these items is attached to these minutes as **APPENDIX X.**

**IN THE MATTER OF REVIEW/APPROVE CONTRACTS BETWEEN TUPELO
WATER AND LIGHT DEPARTMENT AND TWO CONTRACTORS**

By letter dated June 12, 2013, to the Mayor and City Council, Johnny Timmons, Manager of the Tupelo Water and Light Department had submitted a request for approval of contracts between two contractors, namely:

Service Electric Company for labor and materials to install voltage regulators at South Tupelo Substation. The bid for this project (Bid No. 1290WL) was approved and awarded at the May 21, 2013, City Council meeting in the amount of \$237,075.00. After approval of this contract, a notice to proceed will be issued with the work anticipated to be completed on or before September 30, 2013.

Gregory Construction Services, Inc. for labor and materials to install voltage regulator foundations at South Tupelo Substations. The bid for this project (Bid No. 1291WL) was approved and awarded at the City Council meeting of May 21, 2013, in the amount of \$59,087.00. After approval of this contract, a notice to proceed will be issued with the work expected to be completed on or before July 31, 2013.

Upon a motion by Councilwoman N. Davis, seconded by Councilman Newell, the council voted unanimously of those present to approve these two contracts as outlined above. Executed copies of each are attached to these minutes and incorporated herein as **APPENDIX Y.**

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**IN THE MATTER OF REVIEW/APPROVE AGREEMENT BETWEEN TUPELO
WATER AND LIGHT DEPARTMENT AND TENNESSEE VALLEY AUTHORITY IN
REGARD TO "JOINT COST STUDY"**

Upon a motion by Councilman J. Davis and a second by Councilman Whittington, the council voted unanimously of those present to approve a "Joint Cost Study" between the City of Tupelo Water and Light Department and Tennessee Valley Authority to confirm arrangements for the allocation of expenses which Tupelo Water and Light Department incurs jointly with other departments within the City of Tupelo. Johnny Timmons, Manager, of the Department had submitted the request dated June 12, 2013, to the Mayor and City Council for their consideration. A copy of executed letter of understanding concerning this Joint Cost Study between the two parties is attached to these minutes and incorporated herein as **APPENDIX Z.**

**IN THE MATTER OF REVIEW/APPROVE PURCHASE OF ITEMS FOR PARKHILL
NEIGHBORHOOD ASSOCIATION**

Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously of those present to approve a request from the Parkhill Neighborhood Association for approval to purchase several items utilizing the grant money designated for neighborhood associations. The amount of funds requested is \$1,768.00.

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS NEW CITY ZONING MAP

This item will remain on the Study Agenda at this time.

9. EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION

Upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously of those present to close the regular meeting to determine the need for an executive session.

Upon a motion by Councilman J. Davis, seconded by Councilwoman N. Davis, the council voted unanimously of those present to go into executive session for discussion of two issues, i.e., Pending Litigation and Possible Purchase of Real Property.

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Upon a motion duly made, seconded and passed unanimously by those present, the council voted to come out of executive session and return to regular meeting with no action to be taken in regular session.

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the City Council, upon a motion duly made, seconded and passed unanimously by those present, the council voted to adjourn the regular meeting at 7:50 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR